

United States District Court
For The Northern District Of New York

Case No. 5:14-cv-1403

Date: _____

Presiding Judge: Hon. Brenda K. Sannes☐ Plaintiff☒ Defendant☐ Court

Exhibit No.	Marked for Identification	Admitted Into Evidence	Remarks	Witness	Exhibit Description
D-1					Excellus Member Contract and Other Legal Information (PPO Option I Member Contract)
D-2					Excellus PPO Health Insurance Spreadsheet
D-3					Cayuga Medical Center at Ithaca Prepaid Health Plan – Plan Document
D-4					Cayuga Medical Center at Ithaca Prepaid Health Plan Summary Plan Description with Appendix
D-5					Excellus BCBS: Excellus Blue PPO Custom, Summary of Benefits and Coverage for CMC

Exhibits Returned To Counsel (Date):

Signature: _____

Exhibit No.	Marked for Identification	Admitted Into Evidence	Remarks	Witness	Exhibit Description
D-6					Administrative Services Contract between Excellus Health Plan, d/b/a Excellus BlueCross BlueShield and Cayuga Medical Center, effective January 1, 2005
D-7					Plaintiff's Complaint
D-8					CMC's and Health Plan's Answer to Complaint
D-9					Plaintiff's First Amended Complaint
D-10					CMC's and Health Plan's Answer to First Amended Complaint
D-11					Plaintiff's Second Amended Complaint
D-12					CMC's and Health Plan's Answer to Second Amended Complaint
D-13					CMC's and Health Plan's Response to Plaintiffs' First Set of Interrogatories dated April 10, 2015
D-14					CMC's and Health Plan's Response to Plaintiffs' First Request for Production of Documents dated April 10, 2015

Exhibits Returned To Counsel (Date):

Signature: _____

Exhibit No.	Marked for Identification	Admitted Into Evidence	Remarks	Witness	Exhibit Description
D-15					CMC's and Health Plan's Response to Plaintiffs' Second Request for Production of Documents dated April 10, 2015
D-16					Ellen Cohen-Rosenthal, Psy.D Confidential Psychological Report dated May 25, 2006
D-17					Alan O. Ledet, LMFT, Summary of Contact dated May 4, 2013
D-18					Jud A. Staller, M.D., Initial Intake Evaluation dated May 3, 2012
D-19					Dr. George Posner letter dated June 25, 2013
D-20					Second Nature Discharge Summary dated February 3, 2013
D-21					S. Carl Smoot, Ph.D. Psychological Evaluation
D-22					Maple Lake Academy for Boys Master Treatment Plan dated February 25, 2013
D-23					Copies of relevant pages of the website of Maple Lake Academy in Utah (Exh. G to Toth Dec. dated Nov. 12, 2015)

Exhibits Returned To Counsel (Date):

Signature: _____

Exhibit No.	Marked for Identification	Admitted Into Evidence	Remarks	Witness	Exhibit Description
D-24					Excellus Medical Benefits Claim Documents submitted February 27, 2014
D-25					Excellus Claim Return Notification dated March 4, 2014
D-26					Fax from McKain Law to Excellus dated March 26, 2014
D-27					Excellus Medical Benefits Claim Documents submitted May 13, 2014
D-28					Excellus claim return notification to Ms. Easter dated June 30, 2014 (Exh. K to Toth Dec. dated Nov. 12, 2015)
D-29					Excellus Medical Benefits Claim Documents submitted June 25, 2014 (Exh. L to Toth Dec. dated Nov. 12, 2015)
D-30					Excellus Medical Benefits Claim Documents submitted August 20, 2014 (Exh. M to Toth Dec. dated Nov. 12, 2015)

Exhibits Returned To Counsel (Date):

Signature: _____

Exhibit No.	Marked for Identification	Admitted Into Evidence	Remarks	Witness	Exhibit Description
D-31					Excellus Medical Benefits Claim Documents submitted October 2, 2014 (Exh. N to Toth Dec. dated Nov. 12, 2015)
D-32					Excellus Medical Benefits Claim submitted in November 2014 (Exh. O to Toth Dec. dated Nov. 12, 2015)
D-33					Unredacted Notes from Excellus (Docket # 61) (3 pages)
D-34					Email from Jen Easter to William Toth dated February 12, 2013 at 4:11 PM
D-35					Email from Jen Easter to William Toth dated February 12, 2013 at 4:13 PM
D-36					Email from William Toth to Jen Easter dated February 12, 2013 at 4:27 PM
D-37					Email chain from Beth Miller to William Toth dated February 25, 2013 at 1:51 PM (7 pages)
D-38					Email from Jen Easter to William Toth dated March 1, 2013 at 11:27 AM

Exhibits Returned To Counsel (Date):

Signature: _____

Exhibit No.	Marked for Identification	Admitted Into Evidence	Remarks	Witness	Exhibit Description
D-39					Email from Jen Easter to William Toth dated March 15, 2013 at 3:33 PM
D-40					Email from Jen Easter to William Toth dated March 17, 2013 at 8:53 PM
D-41					Email from William Toth to Beth Miller dated April 9, 2013 at 4:00 PM
D-42					Email chain from William Toth to Carla N. McKain, Esq. dated April 11, 2013 at 4:24 PM (contains March 21, 2013 email from Connie Cole to Carla N. McKain and Jen Easter at 2:04 PM, and April 8, 2013 email from Carla N. McKain to Connie Cole and William Toth at 8:46 AM) (2 pages)
D-43					Email from Jen Easter to William Toth dated May 10, 2013 at 6:11 AM

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Signature: _____

Exhibit No.	Marked for Identification	Admitted Into Evidence	Remarks	Witness	Exhibit Description
D-44					Email from Carla N. McKain, Esq. to Connie Cole and William Toth dated May 14, 2013 at 11:13 AM
D-45					Letter from William Toth to Carla N. McKain, Esq. dated May 20, 2013 enclosing copies of the Plan Document; SPD; and Summary of Benefits and Coverage
D-46					Email from Carla N. McKain, Esq. to William Toth dated October 9, 2013 at 3:41 PM (contains Oct. 9, 2013 email from William Toth to Carla McKain at 2:03 PM, and Oct. 9, 2013 email from Carla N. McKain to William Toth at 12:02 PM)
D-47					Email from William Toth to Beth Miller dated February 24, 2014 at 2:11 PM (contains February 24, 2014 email from Carla McKain to William Toth at 8:42 AM (2 pages)

Exhibits Returned To Counsel (Date):

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Exhibit No.	Marked for Identification	Admitted Into Evidence	Remarks	Witness	Exhibit Description
D-48					Email from Carla N. McKain, Esq. to William Toth and Marci Van Der Heide dated February 24, 2014 at 2:42 PM (contains February 24, 2014 email from Carla McKain, Esq. to William Toth at 8:42 AM, and February 24, 2014 email from William Toth to Carla McKain, Esq. at 2:08 PM) (2 pages)
D-49					Email chain from Carla McKain, Esq. to William Toth dated February 25, 2014 at 4:16 PM (contains February 25, 2014 email from William Toth to Carla McKain, Esq. at 3:53 PM; February 24, 2014 email from Carla McKain, Esq. to William Toth at 3:42 PM; February 24, 2014 email from William Toth to Carla McKain, Esq. at 2:08 PM; and February 24, 2014 email from Carla McKain, Esq. to William Toth at 8:42 AM) (3 pages)
D-50					Letter from Connie Cole to Carla McKain, Esq. dated April 2, 2014

Exhibits Returned To Counsel (Date):

Signature: _____

Exhibit No.	Marked for Identification	Admitted Into Evidence	Remarks	Witness	Exhibit Description
D-51					Email chain from Jen Easter to William Toth dated April 7, 2014 at 1:43 AM (contains April 7, 2014 email from Jen Easter to William Toth and Marci Van Der Heide at 10:20 AM, and April 7, 2014 email from William Toth to Jen Easter at 11:13 AM) (2 pages)
D-52					Email from James Wright to Carla N. McKain, Oliver Blaise, Philip Spellane, Emily Crowley, Marci Van Der Heide, and Robert Kirchner dated April 21, 2015 at 9:45 PM

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